

OCA FILE

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25 August 1988
OCA 2869-88

MEMORANDUM FOR: Director of Logistics
Chief, Logistics & Procurement Law/OGC

FROM: Legislation Division
Office of Congressional Affairs

SUBJECT: Brooks Drug-Free Workplace
Legislation - Committee Report

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1. Attached for your information is a copy of H.R. 4719, the "Drug-Free Workplace Act of 1988" as reported out by the House Government Operations Committee, together with a copy of the Committee's report on the bill, House Report No. 100-829.

2. My reading indicates there is nothing in either which would cause us to change our earlier conclusion (OCA 2312-88/12 July 1988) that legislative relief vis a vis the bill is not needed at this time.

3. We will continue to monitor the bill. It is likely to be included in some form in the omnibus, anti-drug legislation virtually certain to pass Congress this fall.

4. Please call me if you have any questions.

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Attachment

OCA/LEG/ 26 Aug 88

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IB

Union Calendar No. 501

100TH CONGRESS
2D SESSION

H. R. 4719

[Report No. 100-829]

To require the recipients of Federal grants and contracts to maintain drug-free workplaces, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 1, 1988

Mr. BROOKS introduced the following bill; which was referred to the Committee on Government Operations

AUGUST 5, 1988

Additional sponsors: Mr. HORTON, Mr. WALKER, Mr. CONYERS, Mrs. COLLINS, Mr. ENGLISH, Mr. NEAL, Mr. BARNARD, Mr. LANTOS, Mr. WISE, Mr. OWENS of New York, Mr. TOWNS, Mr. SPRATT, Mr. KOLTER, Mr. ERDREICH, Mr. KLECZKA, Mr. BUSTAMANTE, Mr. MARTINEZ, Mr. SAWYER, Mr. GRANT, Mr. CLINGER, Mr. McCANDLESS, Mr. CRAIG, Mr. NIELSON of Utah, Mr. DIOGUARDI, Mr. LIGHTFOOT, Mr. BOULTER, Mr. DONALD E. LUKENS, Mr. HOUGHTON, Mr. HASTERT, Mr. KYL, Mr. INHOFE, and Mr. SHAYS

AUGUST 5, 1988

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on June 1, 1988]

A BILL

To require the recipients of Federal grants and contracts to maintain drug-free workplaces, and for other purposes.

100TH CONGRESS
2d Session

HOUSE OF REPRESENTATIVES

REPORT
100-829

DRUG-FREE WORKPLACE ACT OF 1988

AUGUST 5, 1988.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BROOKS, from the Committee on Government Operations,
submitted the following

REPORT

[To accompany H.R. 4719]

[Including cost estimate of the Congressional Budget Office]

The Committee on Government Operations, to whom was referred the bill (H.R. 4719) to require the recipients of Federal grants and contracts to maintain drug-free workplaces, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Drug-Free Workplace Act of 1988".

SEC. 2. DRUG-FREE WORKPLACE REQUIREMENTS FOR FEDERAL CONTRACTORS.

(a) **DRUG-FREE WORKPLACE REQUIREMENT.**—No person or organization shall be considered a responsible source, under the meaning of such term as defined in section 4(8) of the Office of Federal Procurement Policy Act (41 U.S.C. 403(8)), for the purposes of being awarded a contract for the procurement of any property or services from any Federal agency unless such person or organization has certified to the contracting agency that it will provide a drug-free workplace by—

(1) publishing a statement notifying employees that the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited in the person's or organization's workplace and specifying the actions that will be taken against employees for violations of such prohibition;

(2) establishing a drug-free awareness program to inform employees about—

(A) the dangers of drug abuse in the workplace;

(B) the person's or organization's policy of maintaining a drug-free workplace;

(C) any available drug counseling, rehabilitation, and employee assistance programs; and